

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Judy White, aka Judith Ayers White;)
Gary L. White, #26784-001,)

Plaintiffs,)

C.A. No. 8:11-144-HMH-KFM

vs.)

OPINION & ORDER

M. Miller, both personally and in her)
official capacity; W. Mackelburg, both)
personally and in his official capacity;)
Rex Blocker, both personally and in his)
official capacity; V. Kepner, both)
personally and in her official capacity;)
FNU Kelso, both personally and in)
his official capacity; W. Anderson, both)
personally and in his official capacity;)
FNU Carter, both personally and in her)
official capacity; V. Wilkins, both)
personally and in her official capacity;)
M. Huger, both personally and in her)
official capacity; P. Moreau, both)
personally and in his official capacity;)
B. Ingram, both personally and in his)
official capacity; Defendants A through Z,)
being those persons or entities that)
participated in any manner whatsoever)
and/or conspired in any manner)
whatsoever, whether directly or)
indirectly, regardless of knowledge)
aforehand, in any act or omission)
relative to the events made the basis)
of the Plaintiffs' Complaint, all of whom)
are unknown at the time of the filing of the)
Plaintiffs' Complaint but will be)
added by amendment when ascertained;)
Edgefield Federal Prison; The Southeast)

Regional Office of the Federal Bureau)
of Prisons; The Federal Bureau of Prisons,)
))
Defendants.)

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Kevin F. McDonald, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina.

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the magistrate judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1) (2006).

The Plaintiffs filed no objections to the Report and Recommendation. In the absence of objections to the magistrate judge's Report and Recommendation, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The court must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge McDonald's Report and Recommendation and incorporates it herein.

It is therefore

ORDERED that the motions requesting emergency relief, docket numbers 44 and 49, are denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
May 26, 2011

NOTICE OF RIGHT TO APPEAL

The Plaintiffs are hereby notified that they have the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.